

### **REMARKS**

Claims 38, 47 and 51-92 are pending in the above-captioned patent application following this amendment. Claims 51-58 are allowed. Claims 37-38, 46-47 and 60-61 were found to contain allowable subject matter. Claims 22-31, 33 and 48 were withdrawn from consideration. The drawings and the specification were objected to. Claims 32, 34-36, 39-45, 49, 50 and 59 have been rejected. Claim 59 has been amended based on the suggestions of the Examiner, claims 22-37, 39-46 and 48-50 have been canceled without prejudice and claims 37 and 46 were re-presented as new claims 62 and 63, respectively, and claims 64-92 have been added by this amendment for the purpose of expediting the patent application process in a manner consistent with the goals of the Patent Office pursuant to 65 Fed. Reg. 54603 (September 8, 2000), even though the applicants believe that the previously pending claims were allowable. Further, a Request for Continued Examination has been filed concurrently herewith.

Support for the amendments to the claims and for the new claims can be found throughout the originally filed application, including the originally filed claims, the drawings and the specification. More specifically, support for the amendment to claim 59 and for new claims 64-92 can be found at least in Figures 1, 2, 4A, 4B and 5, and in the specification at page 3, lines 1-26, and at page 9, line 11 through page 13, line 32.

No new matter is believed to have been added. Consideration of the Application is respectfully requested.

### **Interview Summary**

On April 30, 2004, the undersigned attorney for the Applicants conducted an interview with the Examiner, William J. Klimowicz. During the interview, claim language was discussed that would place independent claim 59 in condition for allowance in view of the cited reference. The undersigned attorney has amended claim 59 in accordance with the discussion during the interview. As such, claim 59 is believed to be allowable. Additionally, the undersigned attorney pointed out that reference numeral "58" was

included in Figure 2 of the drawings. The Applicants wish to thank the Examiner for his time during the interview.

#### **Objection to the Drawings**

The drawings have been objected to under 37 CFR 1.83(a) on the grounds that they fail to show the "cartridge receiver 58". The Applicants respectfully traverse the objection on the grounds that the "cartridge receiver 58" is clearly indicated in Figure 2 in both the informal drawings originally submitted with the present application, as well as the formal drawings subsequently filed during prosecution of this matter. Therefore, the Applicants respectfully submit that the objection should be withdrawn.

#### **Objection to the Specification**

The specification has been objected to based on the informality that the designator for the "second gripper mover" should read "97" instead of "90" in various locations. The Applicants have amended the specification as provided above. Therefore, the objection is believed to have been overcome.

#### **Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claims 41 and 42 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicants have canceled claims 41 and 42 without prejudice by this amendment. Therefore, the rejection is believed to be moot.

#### **Rejections Under 35 U.S.C. § 103**

Claims 32, 34-36, 39-45, 49, 50 and 59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyce (JP 6-282918 A). Further, claim 32 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Numasaki (US 5,001,582). The Applicants have canceled claims 32, 34-36, 39-45, 49 and 50 without prejudice by this

amendment. With respect to the rejection by the Patent Office of claims 32, 34-36, 39-45, 49 and 50 under 35 U.S.C. § 103(a), the rejections are therefore believed to be moot. Further, the applicants have amended claim 59 in accordance with the claim language discussed during the interview, as provided above. Amended claim 59 is believed to be allowable. Because claims 60-61 depend from claim 59, they are also believed to be allowable.

### **New Claims**

New claims 62-92 have been added by this amendment. As provided above, previously pending claims 37 and 46 have been represented herein as new claims claims 62 and 63. New claims 64-92 are of a slightly different scope than the previously pending claims. However, in view of the cited references, claims 64-92 are believed to be allowable because the cited references do not teach or suggest the feature of these claims.

For example, Boyce et al. is directed toward an optical disk library that includes a picker assembly anchoring unit 50, and a picker assembly 48 having two pickers 49 that move along only one axis (e.g., along a Z-axis) relative to the rest of the picker assembly 48 and the picker assembly anchoring unit 50. [0016]. Each picker has grip equipment 51 that can grip a cartridge 38. The picker assembly 48, and thus the pickers 49, rotate only about the Z-axis, and not about any other axis. ([0016] and Figures 1 and 2). Therefore, Boyce et al. does not teach or suggest rotating the picker assembly 48 and/or the pickers 49 about an axis (e.g. a Y-axis or an X-axis, or any other axis) that is different than the axis along which the pickers 49 move relative to the picker assembly anchoring unit 50 and/or the remainder of the picker assembly 49.

Further, the transfer device 14 disclosed in Numasaki includes a pair of carriages 49 that can move a cassette vertically along a first axis (Z direction), and horizontally along a second axis (Y direction). (Figure 1). Relative to the carrier frame 59, the carriages 49 move only along the second axis. Further, the carrier frame 59, and thus

the carriages 49, can be rotated only about the second axis. Importantly, neither the carrier frame 59 nor the carriages 49 of the transfer device 14 rotate the cassette about an axis that is different than the second axis (Y direction). (See Figures 10A, 11A, 11B and 13, and Col. 5, lines 37-40).

Moreover, Numasaki uses a separate pairs of pawls 84a for each cassette holding frame 71, 72. Further, each cassette holding frame includes its own completely separate apparatus for gripping a cassette and moving it into and out of the corresponding cassette holding frame 71, 72. The pawls 84a move either toward or away from the storage section 13 (e.g. along one axis relative to the corresponding holding frames 71, 72). Numasaki does not teach or suggest using a gripper assembly that moves along two different axes relative to the transfer device 14.

In contrast to the cited references, claim 64 is directed toward a transport assembly that requires "a transporter that includes a first transport receiver that receives the first cartridge and a second transport receiver that receives the second cartridge; a gripper assembly that grips one of the cartridges and moves one of the cartridges into the transporter, the gripper assembly moving along a first axis relative to the transporter; and a transport mover that rotates the transporter about a second axis that is different than the first axis." These features are not taught or suggested by the cited references. Thus, claim 64 is believed to be allowable. Because claims 65-73 depend directly or indirectly from claim 64, they are also believed to be allowable.

Further, new claim 74 is directed toward a transport assembly that requires "a transporter that includes a first transport receiver that receives the first cartridge and a second transport receiver that receives the second cartridge; a gripper assembly that grips one of the cartridges and moves one of the cartridges into the transporter, the gripper assembly moving along a first axis relative to the transporter; and a mover that rotates the gripper assembly about a second axis that is different than the first axis." These features are not taught or suggested by the cited references. Thus, claim 74 is believed to be allowable. Because claims 75-84 depend directly or indirectly from claim

74, they are also believed to be allowable.

New claim 85 is directed toward a method that requires the steps of "providing a transporter that includes a first transport receiver and a second transport receiver, each receiver being adapted to receive one of the cartridges; moving one of the cartridges into the transporter with a gripper assembly; moving the gripper assembly along a first axis relative to a transporter; and rotating the transporter about a second axis that is different than the first axis with a transport mover." These steps are not taught or suggested by the cited references. Thus, claim 85 is believed to be allowable. Because claims 86-88 depend from claim 85, they are also believed to be allowable.

New claim 89 is directed toward a method that requires the steps of "providing a transporter that includes a first transport receiver and a second transport receiver, each receiver being adapted to receive one of the cartridges; moving one of the cartridges into the transporter with a gripper assembly; moving the gripper assembly along a first axis relative to a transporter; and rotating the gripper assembly about a second axis that is different than the first axis with a mover." These steps are not taught or suggested by the cited references. Thus, claim 89 is believed to be allowable. Because claims 90-92 depend from claim 89, they are also believed to be allowable.

#### **Allowed Claims/Allowable Subject Matter**

Claims 51-58 were allowed. Claims 37, 38, 46, 47, 60 and 61 were found to contain allowable subject matter. As provided above, claim 37 has been re-presented in independent form herein as new claim 62, and claim 46 has been re-presented in independent form herein as new claim 63.

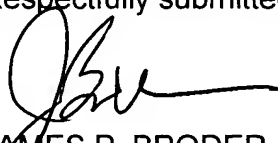


**Conclusion**

The Applicant respectfully asserts that claims 38, 47 and 51-92 are allowable, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 858-672-0454 for any reason that would advance the instant application to issue.

Dated this the 20<sup>th</sup> day of May, 2004.

Respectfully submitted,

  
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